

Application No. 10/574,310

REMARKS

Status of Claims

Claims 1-9 are pending, of which claims 1 and 9 are independent.

Claims 1-4 have been amended to correct informalities in the claim language and to more clearly define the claimed subject matter. Claims 5-9 have been added. The amendments and the new claims are fully supported by the originally filed application; for example, at Fig. 1 and page 2, lines 5-10. No new matter has been added.

Information Disclosure Statement

The Examiner asserts that there is no legible copy of Spanish Patent ES141777. Applicant is submitting herewith a legible copy of ES141777 as a supplemental information disclosure statement. Accordingly, Applicant respectfully requests that the Examiner consider this document and initial at appropriate box on the form PTO-1449 and return the copy thereof in the next official communication.

Rejection under 35 U.S.C. § 102

Claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by Turner (US 4,047,687). This rejection is traversed for at least the following reasons.

Amended independent claim 1 recites, among other features, a supporting structure including a **top plate** on which the container is disposed, a **base plate**, and a **support member** disposed between the top plate and the bottom plate, for connecting the top plate and the bottom plate. It is clear that, at a minimum, Turner fails to disclose these elements of the supporting structure of claim 1.

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Application No. 10/574,310

As such, Applicant respectfully submits that claim 1 and any dependent claim thereon are not anticipated by Turner. Thus, it is requested that the Examiner withdraw the rejection of claims 1-3.

Rejection under 35 U.S.C. § 103

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Turner in view of Winer (US 5,417,326). This rejection is respectfully traversed.

It is submitted that since claim 4 depends upon claim 1, and it is clear that the additional cited Winer reference fails to teach or suggest the features of amended claim 1 missing from Turner as set forth above, any combination of Turner and Winer, however made, would still be missing these claimed features, and it would not have been obvious to add these features to any Turner/Winer combination to yield the invention of claim 4.

Consequently, claim 4 is patentable. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of claim 4.

New Claims

Since new claims 5-8 depend upon claim 1, these claims are patentable for at least the same reasons as claim 1. Also, since none of the cited references discloses or suggests the elements of claims 5-8, these claims are also further and separately patentable.

Applicant further submits that it is clear that, at a minimum, the cited references fail to disclose the elements of new claim 9. Thus, new claim 9 is patentable over the cited references.

Application No. 10/574,310

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicant submits that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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